

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 4:09CR3093
)
)
 v.)
)
)
JOEL OCHOA-GONZALEZ,) MEMORANDUM AND ORDER
)
)
 Defendant.)

The government has filed a motion to advance the trial date because as of today, 66 days have passed for speedy trial act purposes, and the trial is currently set for November 2, 2009. Filing no. 24. The court has conferred with counsel for the government and the defendant. Defense counsel advises that he recently received additional discovery from the government, has not had an opportunity to review this discovery with his client, and he needs the time between today's date and November 2, 2009 to further advise his client on how to proceed and, if necessary, prepare for trial. Defense counsel agrees that the time between today's date and November 2, 2009, should be excluded for speedy trial purposes. Under the circumstances presented, the government is willing to withdraw its motion to advance the trial date. Accordingly,

IT IS ORDERED:

- 1) The government's motion to advance the trial date, (filing no. 24), is withdrawn.
- 2) The trial of this case remains set to commence on November 2, 2009.
- 3) Based upon the representations of defendant's counsel, the Court further finds that the purposes served by allowing the trial to remain set for

November 2, 2009, outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and November 2, 2009 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 9th day of October, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge